IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE P.S.NARAYANA

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WRIT PETITION NO : 7556 of 1997

Between:

1 Smt.G.Bangaluramma, W/o Late G.Ramappa,
R/o Mittakurrapalle Village, H/o Pathurnatham Village,
Baireddipalle Mandal, Chittoor District.
2 G.Mogilappa S/o Basappa
R/o Mittakurrapalle Village, H/o Pathurnatham Village,
Baireddipalle Mandal, Chittoor District.

..... PETITIONERS

AND

1 The District Collector,
Chittoor.
2 The Revenue Divisional Officer,
Madanapalle, Chittoor District.
3 The Mandal Revenue Officer,
Baireddeipalle, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or Order or direction more particularly a writ of certiorari calling for all the connected records including the impugned notification under Sec.4(1) of the Land

Acquisition Act and Sec.6 Declaration dt.7.3.1996 and 8.3.1996 in respect of the petitioners land in S.No.15/3-A to an extent of 2.38 acres situated at Mittakurapalle H/o Pathurnatham, Baireddipalle Mandal, Chittoor District and quash the same as illegal, improper, unjust, arbitrary and contrary to law and pass

Counsel for the Petitioner: MR.K.G.KRISHNA MURTHY

Counsel for the Respondent Nos.1 to 3 : GP FOR LAND ACQUISITION

The Court made the following :

THE HON'BLE MR JUSTICE P.S.NARAYANA

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WRIT PETITION NO : 7556 of 1997

ORDER:

The writ petitioners filed the present writ petition questioning the notification under Section 4 (1) of the Land Acquisition Act (for short 'the Act') and Section 6 declaration, dated 7.3.1996 and 8.3.1996 in respect of the petitioners' land in Survey Nos.15/3-A to an extent of Ac.2.38 cents situated at Mittakurapalle, H/o Pathurnatham, Baireddipalle Mandal, Chittoor District, as illegal, improper, arbitrary and contrary to law and to pass such suitable orders.

It is represented that the 1st writ petitioner is no more and the 2nd writ petitioner is the legal representative of the 1st writ petitioner, who is already on record.

The ground taken by the writ petitioner is that they are small farmers and they are totally depending upon agriculture only. Further a specific ground was taken that there is no necessity to invoke the urgency clause and in view of the same enquiry dispensed with under Section 5-A of the Act cannot be sustained.

A counter affidavit in detail had been filed denying the allegations.

This Court had granted status quo while issuing rule nisi on 10.4.1997. It is also stated that in view of the interim order granted by this Court, no possession had been taken.

Taking the overall facts and circumstances into consideration, this Court is satisfied that the enquiry dispensed with under Section 5-A of the Act by invoking the urgency clause is not just and proper. Hence, the respondents are hereby directed to afford an opportunity to the 2nd writ petitioner by conducting the enquiry under Section 5-A of the Act and further to proceed with the matter in accordance with law, if they so require to do so.

With the above direction, the writ petition is disposed of. No order as to costs.

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11th February, 2005

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Copy to:

1. The District Collector, Chittoor.
2. The Revenue Divisional Officer, Madanapalle, Chittoor District.
3. The Mandal Revenue Officer, Baireddipalle, Chittoor District.
4. Two C.Cs to the Government Pleader for Land Acquisition, High Court Buildings, High Court of A.P., Hyderabad. (O.U.T.)
5. Two C.D.Copies.